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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Clifford McClain,

Petitioner,

v.

Brian Williams, Warden, *et al.*,

Respondents.

Case No. 2:17-cv-00753-RFB-NJK

**Unopposed Motion for an
Extension of Time in which to file
Reply to Respondents' Answer
(First request)**

1 Petitioner Clifford McClain (“Mr. McClain”) moves for an extension of time of
 2 sixty-one (61) days, up to and including Monday April 4, 2022, to file his reply to
 3 Respondents’ answer to his petition for habeas relief. Respondents do not oppose this
 4 request.

5 1. On July 9, 2019, this Court appointed the Federal Public Defender,
 6 District of Nevada to Mr. McClain’s case. ECF No. 39.¹ Undersigned counsel filed Mr.
 7 McClain’s Third Amended Petition for a Writ of Habeas Corpus on June 12, 2020.
 8 ECF No. 48. Respondents filed their answer to Mr. McClain’s petition on January 3,
 9 2022. ECF No. 77. Mr. McClain now seeks a sixty-one-day (61) extension of time to
 10 file his reply.

11 2. An extension of time is merited on account of numerous filing deadlines
 12 and commitments undersigned counsel recently had to meet. Specifically, since
 13 January 3, 2022, counsel has had to invest a considerable amount of time drafting a
 14 reply due in February of 2022 in the capital habeas case *Hernandez v. Gittere et al.*,
 15 09-cv-00545-LRH (D. Nev.). In addition, counsel had to draft an opposition to a motion
 16 to dismiss filed on January 18, 2022 in the non-capital habeas matter of *Bautista v.*
 17 *Garrett et al.*, 20-cv-00403-LRH (D. Nev.). Counsel likewise had to draft and, on
 18 January 10, 2022, file an opposition to a motion to dismiss in the non-capital habeas
 19 matter of *Smith v. Garrett et al.*, 20-cv-01108-JAD (D. Nev.). Finally, counsel had to
 20 draft a petition for rehearing due with the Ninth Circuit on February 9, 2022 in the
 21 non-capital matter of *Sempier v. Baker, et al.*, 20-17249 (9th Cir.).

22 3. Going forward, undersigned counsel has numerous deadlines, which
 23 further compel the present request for an extension of time. Specifically, counsel
 24 needs to finalize his reply in the above-referenced *Hernandez* matter. In addition, on
 25

26 1 The appointment followed this Court entering an Order granting in part the
 27 Respondents’ motion to dismiss Mr. McClain’s second amended, proper person
 petition for habeas relief. ECF No. 39.

1 March 4, 2022, counsel will need to file an opening brief with the Ninth Circuit in the
2 non-capital habeas matter of *Brown v. Williams, et al.*, 11-cv-01058-JCM (D. Nev.).
3 Further, on March 29, 2022, counsel will need to file a reply with this Court in the
4 non-capital habeas matter of *Zanini v. Baker, et al.*, 18-cv-00336-MMD (D. Nev.). The
5 above-duties and responsibilities are in addition to counsel's busy caseload handling
6 both non-capital and capital habeas matters currently pending in Nevada and out-of-
7 state district courts for which he is carrying on various investigations and research
8 and writing assignments.

9 4. Finally, the present request for an extension is unopposed. On February
10 2, 2022, counsel for Petitioner contacted Deputy Attorney Charles A. Finlayson via
11 email concerning this request for an extension of time. Mr. Finlayson has no objection
12 to the request.

13 5. This requested extension will permit counsel time to properly address
14 the Respondents' answer. The request is not made for the purposes of delay, but
15 rather in the interests of justice.

16 WHEREFORE, counsel respectfully requests that this Court grant the request
17 for an extension of time so that Mr. McClain can file his reply by Monday April 4,
18 2022.

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1 Dated February 2, 2022

2 Respectfully submitted,

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4 Rene L. Valladares
Federal Public Defender

5 /s/Martin L. Novillo

6 Martin L. Novillo
7 Assistant Federal Public Defender

8
9 IT IS SO ORDERED:

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11 

12 **RICHARD E. BOULWARE, II**
13 **United States District Court**

14 DATED this 3rd day of February, 2022.